

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

KIMBERLY A. BIVENS,

Plaintiff,

CIVIL NO. 1:16-CV-2269

v.

COMMONWEALTH OF
PENNSYLVANIA, et. al.,
Defendants.

O R D E R

AND NOW, this 27th day of February, 2017, upon consideration of Magistrate Judge Saporito's Report and Recommendation (Doc. 8) that Plaintiff's petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1) should be denied as meritless and that this court should decline to issue a certificate of appealability, and, after independent review of the record, and noting that no objections were filed, IT IS ORDERED that:

- (1) The Report and Recommendation (Doc. 8) is ADOPTED;
- (2) Plaintiff's petition is DENIED;
- (3) A certificate of appealability is DENIED;¹
- (4) The Clerk of Court shall close the file.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge

¹ Although we are denying a certificate of appealability, Plaintiff is advised that she has the right for thirty (30) days to appeal our order denying her § 2254 petition, see 28 U.S.C. § 2253(a); Fed. R. App. P. 4(a)(1)(A), and that our denial of a certificate of appealability does *not* prevent her from appealing, so long as she also seeks a certificate of appealability from the court of appeals. See Fed. R. App. P. 22; Local R. App. P. 22.1.